

**ORDINANCE NO. 3857**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 25-1 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) TO REZONE FIVE PROPERTIES LOCATED AT 701-713 ELM STREET, CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND FROM R-U (URBAN RESIDENTIAL) TO B-C (BUSINESS COMMERCIAL)."

**WHEREAS**, the properties which are the subject of this Ordinance are located at 701-713 Elm Street, are recorded among the Land Records of Allegany County, Maryland as indicated below, and are hereinafter referred to as the "Properties":

<u>Address</u>	<u>Liber/Folio Reference</u>	<u>Tax ID No.</u>
701 Elm St.	2332/93	04-011880
703 Elm St.	2332/93	04-011872
705 Elm St.	2332/97	04-025350
707 Elm	2353/67	04-018834
709 Elm St.	2329/252	04-034929
711-713 Elm St.	2348/401	04-037507

**WHEREAS**, the Properties are currently zoned R-U (Urban Residential);

**WHEREAS**, First Peoples Community Federal Credit Union filed an application requesting that the zoning for the Properties be changed to B-C (Business Commercial);

**WHEREAS**, in anticipation of the proceedings before the Planning and Zoning Commission, City staff prepared a Cumberland Planning Commission Staff Report dated April 12, 2019 (the "Staff Report"), a copy of which is attached

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hereto, recommending that the City's Official Zoning Map be amended on the ground that there has been a substantial change in the character of the neighborhood in which the Properties are located;

**WHEREAS,** the Staff Report includes the findings required by Section 4-204 of the Land Use Article of the Annotated Code of Maryland;

**WHEREAS,** as required by the applicable provisions of the aforesaid Land Use Article, the Planning and Zoning Commission held a public hearing on this matter and, at the conclusion of the aforesaid hearing, voted 3-0 to pass a resolution recommending that the Official Zoning Map be amended and that the applicable zoning for the Properties be designated as B-C;

**WHEREAS,** as required by Section 25-439(e) of the City of Cumberland Zoning Ordinance and the applicable provisions of Land Use Article of the Annotated Code of Maryland, the Planning and Zoning Commission forwarded its recommendations to the Mayor and City Council for action;

**WHEREAS,** as required by Section 4-203 of the aforesaid Land Use Article and Section 25-439(f)(1) of the City of Cumberland Zoning Ordinance, the Mayor and City Council published notice of the time and place of the public hearing before them on the matter of the rezoning which is

the subject of this Ordinance together with a summary of the proposed rezoning in *The Cumberland Times News*, a newspaper of general circulation in Allegany County and the City of Cumberland, once each week for two successive weeks with the first notice being published at least fourteen days before the hearing;

**WHEREAS**, as required by Section 4-203 of the aforesaid Land Use Article and City of Cumberland Zoning Ordinance Section 25-439(g), a public hearing on the proposed rezoning was held before the Mayor and City Council on May 21, 2019, at which public hearing all parties in interest and citizens of the City of Cumberland were permitted to be heard concerning the proposed rezoning;

**WHEREAS**, having considered the evidence presented, the Mayor and City Council adopted the findings set forth in the Staff Report; and

**WHEREAS**, based upon the foregoing, the Mayor and City Council determined that the application for the rezoning of the Properties should be granted for the reasons set forth in the Staff Report.

**NOW, THEREFORE:**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the application of First Peoples Community Federal Credit Union to rezone the

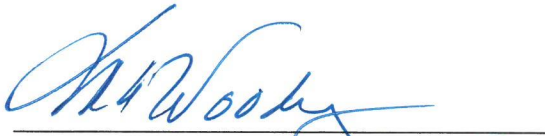
Properties R-U (Urban Residential) to B-C (Business Commercial) is granted. City staff is directed to correct the labeling on the Official Zoning Map to reflect that the Properties are zoned B-C.

**SECTION 2.** AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect ten (10) days from the date of its passage.

**PASSED** this 13<sup>th</sup> day of August, 2019.

  
Raymond M. Morris,  
Mayor

ATTEST:

  
Marjorie A. Woodring  
City Clerk

1<sup>st</sup> Reading: **July 16, 2019**

2<sup>nd</sup> & 3<sup>rd</sup> Readings: **August 13, 2019**

Effective Date: **August 23, 2019**